

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

GREGORY J. EVERETT,

Plaintiff,

-vs-

SAFELITE OF AMERICA, INC.,

Defendant.

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CASE NO. 07-CV-10655

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

**ORDER**

**(1) ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION;  
(2) DENYING PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER;  
(3) DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT; AND  
(4) GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Before the Court are Plaintiff Gregory J. Everett's August 7, 2007 Objections to the Magistrate Judge's July 26, 2007 Report and Recommendation on the parties' cross-motions for summary judgment. Defendant Safelite of America, Inc. filed a Response on August 16, 2007.

Pursuant to Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1), this Court reviews *de novo* portions of a magistrate judge's report and recommendation on a dispositive motion to which a party has objected. Parties cannot raise arguments on objection to a report and recommendation that they did not bring before the magistrate judge. *Murr v. United States*, 200 F.3d 895, 901 n.1 (6th Cir. 2000).

Having carefully considered the entire record, the Court is convinced that the Magistrate Judge is correct in his analysis of the facts and the law in this case.

Therefore, the Court:

(1) **ADOPTS** the Magistrate Judge's Report and Recommendation;

- (2) **DENIES** Plaintiff's Motion for a Temporary Restraining Order (Doc. No. 3);
- (3) **DENIES** Plaintiff's Motion for Summary Judgment (Doc. No. 14); and
- (4) **GRANTS** Defendant's Motion for Summary Judgment (Doc. No. 19).

**SO ORDERED.**

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: September 7, 2007

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on September 7, 2007.

s/Denise Goodine  
Case Manager